

REMARKS

The above-identified patent application has been amended and entry of this Amendment is respectfully requested in accordance with the provisions of 37 C.F.R. §1.116.

Claims 1-5 and 7-10 are pending in the application. Claims 7 and 8 amended herein.

Claim 7 is objected to as being dependent on canceled claim 6. Applicants have amended claim 7 to depend from claim 1. Accordingly, it is submitted that the rejection of claim 7 has been overcome and thus, should be removed.

Claim 8 has been amended to eliminate an inadvertent lack of antecedent basis.

Claims 1-5 and 7-10 are rejected as being obvious over Yanai et al. (U.S. Patent No. 5,742,792, hereinafter "Yanai") in view of Blankenship et al. (U.S. Patent No. 6,624,388, hereinafter "Blankenship"). Applicants respectfully traverse this rejection and submit that neither Yanai nor Blankenship, whether taken separately or in combination, describes or suggests the method of claim 1 including "using an interface between the remote data service application and a TCP/IP protocols software layer to form a connection to the IP network, wherein the interface is split across two processors, with a first interface portion residing on a first processor and a second interface portion residing on a second processor" as set forth in claim 1 or similarly in independent claims 9 and 10.

The Examiner acknowledges that "Yanai fails to teach using an interface between remote data service application and a TCP/IP protocols software layer to form a connection to the IP network, wherein the interface is split across two processors with a first interface portion residing on a first processor and a second interface portion residing on a second processor." (Office Action dated 5/16/2005, page 3). The Examiner relies on Blankenship as teaching "using an interface between remote data service application and a TCP/IP protocols software layer to form a

connection to the IP network, wherein the interface (Fig. 4 element 174) (Fig. 1 element 68, 70) is split across two processors (Fig. 3 element 124, 126), with a first interface portion residing on a first processor and a second interface portion residing on a second processor (Fig. 1 element 30, 20) (Fig. 4) (column 9 lines 40-58).” (Office Action dated 5/16/2005, pages 3-4). The Examiner continues that “[T]he reference teaches having remote system and welding system each having a processor in which the remote system and welding system are split by an interface which means that since the remote data system application and welding system and each contain processors, the processors are split by two processors which the first interface portion (Fig. 1 element 70) on the remote system processor and the second interface portion on the welding system processor (Fig. 1 element 68).” (Office action dated 5/16/2005, page 4).

Applicants respectfully submit that Blankenship neither describes nor suggests the claimed interface split across two processors, as claimed. More particularly, the Examiner suggests that the claimed interface is provided by the Blankenship element 174. However, socket interface 174 in Figure 4 resides on a welding system 170 (see column 9, lines 40-45) and there is no description or suggestion that the socket interface 174 is split across two processors, as claimed. The Examiner also suggests that the claimed interface is provided by elements 68, 70 of Figure 1. However, element 68 is a weld I/O & Comm interface that controls the welding equipment 58 (col. 6, lines 50-53) and remote interface 70 enables users to remotely monitor, configure, control and conduct commercial transactions with the welding systems 20-28 (col. 7, lines 8-11). Neither of these interfaces 68, 70 is described as being an interface between a remote data service application and a TCP/IP protocols software layer that is split across two processors, as claimed. The Examiner further suggests that the two processors across which the claimed interface is split are provided by elements 124 and 126 of Figure 3. However, elements 124 and 126 are welders and while each welder may contain a processor, there is no description or suggestion of an interface, including the claimed interface, being split across two such processors. Thus, even if one were motivated to combine the Yanai and Blankenship references as suggested by the Examiner, the claimed arrangement would not result.

Furthermore, it is submitted that there is no motivation to combine the cited Yanai and Blankenship references. This is because one of ordinary skill in the art seeking to provide for the transfer of storage traffic between a data storage system and a remote data storage system would not look to the Blankenship welding patent for a solution.

In view of the above, it is submitted that independent claims 1, 9, and 10 are patentable over Yanai, whether taken separately or in combination with Blankenship.

Claims 2-5 and 7-8 are dependent on claim 1 and thus, include the limitations of claim 1. Accordingly, it is submitted that claims 2-5 and 7-8 are patentable over Yanai and Blankenship, whether taken separately or in combination, at least for the reasons discussed in conjunction with claim 1.

As the claims and the entire case are believed to be in condition for allowance, an indication thereof is respectfully requested.

It is submitted that this amendment places the application in condition for allowance or better form for appeal by restricting the issues on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not specifically addressed herein.

Appl. No. 09/995,464
Reply to Office Action of May 16, 2005

Docket No. EMC-019AUS

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

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Respectfully submitted,

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